



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DE SILANES *et al.*

Appl. No.: 10/690,639

Filed: October 23, 2003

For: **Pharmaceutical Composition of
F(ab')₂ Antibody Fragments**

Confirmation No.: 9165

Art Unit: 1644

Examiner: KIM, Yunsoo

Atty. Docket: 2399.0010001/JAG/LAV

**Second Supplemental Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

Mail Stop RCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Second Supplemental Information Disclosure Statement is a continuation of the Applicants' First Supplemental Information Disclosure Statement filed on March 4, 2005 in connection with the above-captioned application.

Copies of documents **NPL1** to **NPL37** and **FP1** to **FP3** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents cited on the attached Form PTO/SB/08A, documents **US1** and **US3**, are not submitted.

/ In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **NPL3**, **NPL11**, **NPL16** and **NPL19** cited on Form PTO/SB/08B:

Document **FP3**, WO 02/068475 A2, is in the Spanish language. An English language abstract of document FP3 can be found on the face page of the patent.

Document **NPL3**, Barona, J., *et al.*, "Toxicological and immunological aspects of scorpion poison (*Tytilus pachyurus*): neutralizing capacity of antipoisons produced in Latin America," *Biomédica* 24:42-49, Instituto Nacional de Salud (March 2004), is in the Spanish language. An unverified English language translation of document NPL3 is cited as document **NPL4** and submitted herewith.

Document **NPL12**, Díaz Nájera, A., "Alacranes de la Republica Mexicana: Identificación de ejemplares capturados en 235 localidades," *Rev. Inst. Salubr. Enferm. Trop. (Méx)* 24:15-30, Instituto de Salubridad y Enfermedades Tropicales (1964), is in the Spanish language. An English language abstract of document NPL12 can be found at the end of the document.

Document **NPL17**, Hoffman, C.C., "Monografias para la Entomologica Medica de Mexico, Los Scorpiones de Mexico," in: *Anales del Instituto de Biologica*, Ochoterena, I., ed., Universidad Nacional Autonoma de Mexico, Mexico, pp. 243-361 (1932), is in the Spanish language. It appears to discuss the anatomy of the scorpion. An unverified English language translation of the first paragraph is as follows:

With two tarsus thorns, an outside and an interior, in the membrane to articulate that it unites tarsus with protarsus. Sternum of triangular form. 3 to 5 lateral eyes to each side. The pulmonary leaves of type cross-linking. The folded sting glands. Often a tooth exists to subaculear. Operculum genital of the female with the separated valves. Great, very rich eggs in vitelina. When leaving the eggs the follicle, the embryos are developed in the oviduct.

Document **NPL20**, Maraboto Martinez, J.A., *et al.*, "Panorama Epidemiológico de las Intoxicaciones Causadas por Animales Ponzñosos en la Población Derechohabiente del IMSS 1990-1998," in *3ª Reunión de Expertos en Envenenamiento por Animales Ponzñosos*, Instituto de Biotecnología, Universidad Nacional Autónoma de México, Alcapulco, Gro., México (1999), is in the Spanish language. An English language translation of document **NPL20** is cited as document **NPL21** and submitted herewith.

Additionally, Applicants would like to point out that the specification was not available for Document **FP4**, AU2002237586 B2, however a copy of the claims is provided. Also, a copy of US patent 6,709,655 that belongs to the same patent family as AU2002237586 B2 was previously listed in an Information Disclosure Statement dated August 20, 2004.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

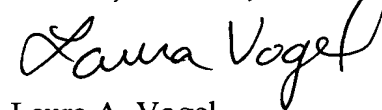
This Second Supplemental Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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